

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 570

Introduced by Senator Steinberg

February 22, 2007

An act to ~~amend Section 201 of~~ *add Section 142.8 to* the Labor Code, relating to ~~payment of wages.~~ *employment.*

LEGISLATIVE COUNSEL'S DIGEST

SB 570, as amended, Steinberg. ~~Payment of wages.~~ *Occupational safety and health: working conditions.*

The existing California Occupational Safety and Health Act of 1973 was enacted to assure safe and healthful working conditions by authorizing the enforcement of effective standards, assisting and encouraging employers to maintain safe and healthful working conditions, and by providing for research, information, education, training, and enforcement in the field of occupational safety and health. The Occupational Safety and Health Board, an independent entity within the Department of Industrial Relations, has exclusive authority to adopt occupational safety and health standards within the state.

This bill would require the Occupational Safety and Health Standards Board, by July 1, 2008, to adopt a standard, as specified, to protect workers from being exposed to excessive heat indoors.

~~Existing law establishes time limits within which a discharged employee is to be paid any unpaid wages.~~

~~This bill would make a technical, nonsubstantive change in this law.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 142.8 is added to the Labor Code, to read:*

2 142.8. (a) *On or before July 1, 2008, the board shall adopt*
3 *an occupational and health standard for controlling the risk of*
4 *occurrence of heat illness in employees working indoors. The*
5 *standard must, at a minimum, require every employer to establish,*
6 *implement, and maintain written procedures to recognize the*
7 *symptoms of, assure medical treatment for, and prevent the*
8 *occurrence of, heat illness.*

9 (b) *Written procedures must include provisions addressing the*
10 *following issues:*

11 (1) *Hazard identification.*

12 (2) *Workplace monitoring.*

13 (3) *Hazard prevention, control, and correction.*

14 (4) *Preventive rest and relief periods in cooled areas.*

15 (5) *Provision of water.*

16 (6) *Communication and scheduling.*

17 (7) *Acclimatization.*

18 (8) *Emergency medical response.*

19 (9) *Medical services and first aid.*

20 (10) *Training in heat illness, and injury detection and*
21 *prevention, for both supervisors and employees.*

22 ~~SECTION 1. Section 201 of the Labor Code is amended to~~
23 ~~read:~~

24 ~~201. (a) If an employer discharges an employee, the wages~~
25 ~~earned and unpaid at the time of discharge are due and payable~~
26 ~~immediately. An employer who lays off a group of employees by~~
27 ~~reason of the termination of seasonal employment in the curing,~~
28 ~~canning, or drying of any variety of perishable fruit, fish or~~
29 ~~vegetables, shall be deemed to have made immediate payment~~
30 ~~when the wages of said employees are paid within a reasonable~~
31 ~~time as necessary for computation and payment thereof; provided,~~
32 ~~however, that the reasonable time shall not exceed 72 hours after~~
33 ~~the discharge, and further provided that payment shall be made by~~
34 ~~mail to any employee who so requests and designates a mailing~~
35 ~~address therefor.~~

36 ~~(b) Notwithstanding any other provision of law, the state~~
37 ~~employer shall be deemed to have made an immediate payment~~
38 ~~of wages under this section for any unused or accumulated~~

1 vacation, annual leave, holiday leave, or time off to which the
2 employee is entitled by reason of previous overtime work where
3 compensating time off was given by the appointing power,
4 provided, at least five workdays prior to his or her final day of
5 employment, the employee submits a written election to his or her
6 appointing power authorizing the state employer to tender payment
7 for any or all leave to be contributed on a pretax basis to the
8 employee's account in a state-sponsored supplemental retirement
9 plan as described under Sections 401(k), 403(b), or 457 of the
10 Internal Revenue Code provided the plan allows those
11 contributions. The contribution shall be tendered for payment to
12 the employee's 401(k), 403(b), or 457 plan account no later than
13 45 days after the employee's discharge from employment. Nothing
14 in this section is intended to authorize contributions in excess of
15 the annual deferral limits imposed under federal and state law or
16 the provisions of the supplemental retirement plan itself.

17 (e) Notwithstanding any other provision of law, when the state
18 employer discharges an employee, the employee may, at least five
19 workdays prior to his or her final day of employment, submit a
20 written election to his or her appointing power authorizing the
21 state employer to defer into the next calendar year payment of any
22 or all of the employee's unused or accumulated vacation, annual
23 leave, holiday leave, or time off to which the employee is entitled
24 by reason of previous overtime work where compensating time
25 off was given by the appointing power. To qualify for the deferral
26 of payment under this section, only that portion of leave that
27 extends past the November pay period for state employees shall
28 be deferred into the next calendar year. An employee electing to
29 defer payment into the next calendar year under this section may
30 do any of the following:

31 (1) Contribute the entire payment to his or her 401(k), 403(b),
32 or 457 plan account.

33 (2) Contribute any portion of the deferred payment to his or her
34 401(k), 403(b), or 457 plan account and receive cash payment for
35 the remaining noncontributed unused leave.

36 (3) Receive a lump-sum payment for all of the deferred unused
37 leave as described above.

38 Payments shall be tendered under this section no later than
39 February 1 in the year following the employee's last day of
40 employment. Nothing in this section is intended to authorize

- 1 contributions in excess of the annual deferral limits imposed under
- 2 federal and state law or the provisions of the supplemental
- 3 retirement plan itself.

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